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PATENT

Docket No.: 19603/10215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Michael E. O'Donnell)	Examiner:
)	R. Hutson
Serial No.	:	08/828,323)	Art Unit:
)	1652
Cnfrm. No.	:	4760)	
)	
Filed	:	March 28, 1997)	
)	
For	:	DNA POLYMERASE III HOLOENZYME)	
)	
)	

**PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW
HOLDING OF ABANDONMENT**

Mail Stop:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance in the above-identified patent application. In particular, the Notice of Allowance in the above-identified application was mailed on October 7, 2003 (see copy attached as Exhibit A). On January 7, 2003, applicants filed a PTOL-85 Issue Fee Transmittal form, with a request to reapply the previously paid issue fee in the above-identified application, and a Submission of Corrected Formal Drawings with thirteen (13) sheets of corrected formal drawings by first class mail (see copy attached as Exhibit B). Accordingly, the issue fee and formal drawings were timely filed. A copy of the return postcard indicating receipt of the Issue Fee PTOL-85 form and thirteen (13) pages of formal drawings with a submission document by the U.S. Patent and Trademark Office ("PTO") is attached as Exhibit C.

On June 12, 2003, applicant's representative submitted an e-mail status inquiry to PUBS Customer Service, as an issue notification had not yet been received. On June 13, 2003, applicant's representative was notified that the above-identified application

was "abandoned for failure to perfect the drawings" (see copy of e-mail from PUBS Customer Service attached as Exhibit D). In telephone conferences with the Office of Petitions and PUBS Customer Service at the PTO on July 15, 2003, applicant's representative was notified that the basis for the Notice of Abandonment was failure to timely pay the issue fee, and not failure to perfect the drawings. A Notice of Abandonment was not received by the applicant until July 16, 2003, at which time a copy of the Notice of Abandonment was faxed to applicant's representative as requested in a July 15, 2003, telephone conference with E. Shirene Willis of the PTO (copy attached as Exhibit E). In particular, the undersigned asserts that a search of the file jacket and docket records indicates that the Notice of Abandonment was not received. A copy of the docketing record for the above-identified application showing the last action entered (the completed date for the Issue Fee and Formal Drawings filed on January 7, 2003 in response to the Notice of Allowance mailed October 7, 2002) is attached hereto as Exhibit F. A copy of the front of the file for the above-identified application showing the last action entered (the issue fee with formal drawings filed on January 7, 2003) is attached hereto as Exhibit G.

Pursuant to 37 C.F.R. § 1.181(a) and Manual of Patent Examining Procedure (MPEP) § 711.03(c) and in view of all the foregoing, applicants hereby petition the Commissioner for Patents to withdraw the holding of abandonment and allow the above-identified application to go to issue.

Although applicants believe that no fee is due upon consideration of this Petition, the Commissioner is authorized to charge any necessary fees, including any deficiency between the issue fee previously paid and the current amount for the issue fee due, to Deposit Account No. 14-1138.

Respectfully submitted,

Date: July 24, 2003

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1672
Facsimile: (585) 263-1600

Georgia Evans
Georgia Evans
Registration No. 44,597

Certificate of Mailing - 37 CFR 1.8(a)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.</p>	
Date <i>7/24/03</i>	Peggy Dirmeyer <i>Peggy Dirmeyer</i>

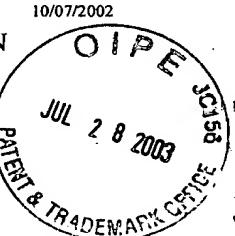


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590
MICHAEL L GOLDMAN
NIXON PEABODY LLP
CLINTON SQUARE
P O BOX 1051
ROCHESTER, NY 14603



10/07/2002

NOV 1 . 2002

19603/1021596
Issue Fee / Formal
DRAWINGS DUE:

January 7, 2003

EXAMINER

HUTSON, RICHARD G

ART UNIT

CLASS-SUBCLASS

1652

435-194000

DATE MAILED: 10/07/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/828,323	03/28/1997	MICHAEL E. O'DONNELL	19603/10213	4760

TITLE OF INVENTION: DNA POLYMERASE III HOLOENZYME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280	\$0	\$1280	01/07/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Notice of Allowability	Application No.	Applicant(s)
	09/828,323	RICHARDSON ET AL.
	Examiner Richard G Hutson	Art Unit 1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to paper filed on 6/25/2002.
2. The allowed claim(s) is/are 5,7,8,10,12-14,16,17,54,55,58-60,62,64 and, 65, 76 & 77.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. 4.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 <input type="checkbox"/> Notice of References Cited (PTO-892)	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>31,36</u>	6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment
7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9 <input type="checkbox"/> Other

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/2002 has been entered.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 6/25/2002 and 7/18/2002 have been considered by the examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Georgia Evans on 10/3/2002.

Art Unit: 1652

The application has been amended as follows:

Replace with the following claims:

5. An isolated DNA molecule encoding a protein δ' subunit of polymerase III holoenzyme, wherein a polymerase III holoenzyme comprising the subunit is capable of stimulating DNA synthesis, wherein the DNA molecule comprises a nucleic acid sequence which hybridizes to a nucleotide sequence corresponding to SEQ ID NO. 13 when hybridization is performed in 2X SSC, 0.2% SDS at 53°C.

14. An isolated protein δ' subunit of polymerase III holoenzyme, wherein a polymerase III holoenzyme comprising the subunit is capable of stimulating DNA synthesis, wherein the protein subunit is encoded by a DNA molecule comprising a nucleic acid sequence which hybridizes to a nucleotide sequence corresponding to SEQ ID NO. 13, when hybridization is performed in 2X SSC, 0.2% SDS at 53°C.

Please add the following new claims:

76. An isolated DNA molecule consisting of SEQ ID NO. 11 or SEQ ID NO. 12 .

77. An isolated protein consisting of the amino acid sequence encoded by SEQ ID NO. 11 or SEQ ID NO. 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G Hutson whose telephone number is (703) 308-0066. The examiner can normally be reached on 7:30 am to 4:00 pm, M-F.

Art Unit: 1652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Richard Hutson, Ph.D.
Patent Examiner
Art Unit 1652
October 3, 2002



REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1600
1600

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Box ISSUE FEE**
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 10/07/2002

MICHAEL L GOLDMAN
NIXON PEABODY LLP
CLINTON SQUARE
P O BOX 1051 31051
ROCHESTER, NY 14603 - 1051



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Janice Bowers	(Depositor's name)
<i>Janice Bowers</i>	(Signature)
January 7, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/828,323	03/28/1997	MICHAEL E. O'DONNELL	19603/102145	4760

TITLE OF INVENTION: DNA POLYMERASE III HOLOENZYME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1280	\$0	\$1280	01/07/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUTSON, RICHARD G	1652	435-194000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Nixon Peabody LLP

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cornell Research Foundation, Inc.

Ithaca, New York 14850

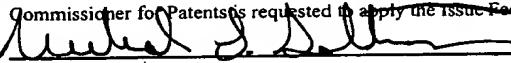
Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee
 Advance Order - # of Copies 10
 A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Commissioner is hereby charged the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) as to re-apply any previously paid issue fee to the application identified above.


(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

7

PATENT
Docket No.: 19603/1O215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Michael E. O'Donnell)	Examiner:
Serial No.	:	08/828,323		R. Hutson
Cnfrm. No.	:	4760)
Filed	:	March 28, 1997)
For	:	DNA POLYMERASE III HOLOENZYME)	Art Unit: 1652

SUBMISSION OF CORRECTED FORMAL DRAWINGS

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Box: Issue Fee

Dear Sir:

Enclosed for filing in the subject application are thirteen (13) sheets of corrected formal drawings.

Respectfully submitted,

Date: January 7, 2003



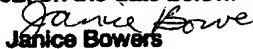
Michael L. Goldman
Registration No. 30,727

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1304
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
U.S. Patent and Trademark Office P.O. BOX 2327
Arlington, VA 22202, on the date below. Box: ISSUE fee

1/7/03
Date


Janice Bowers

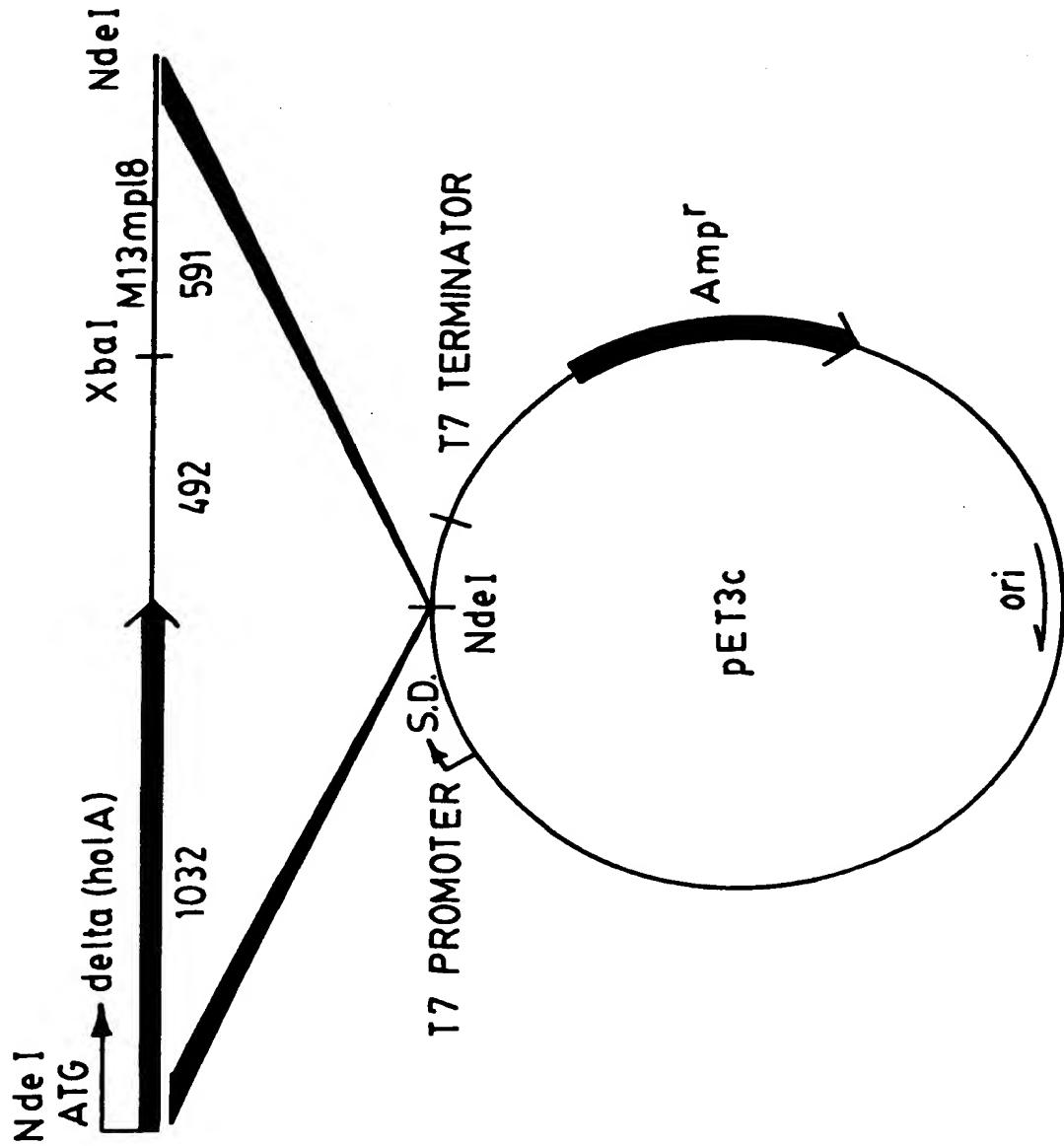


FIG. 1

2/13

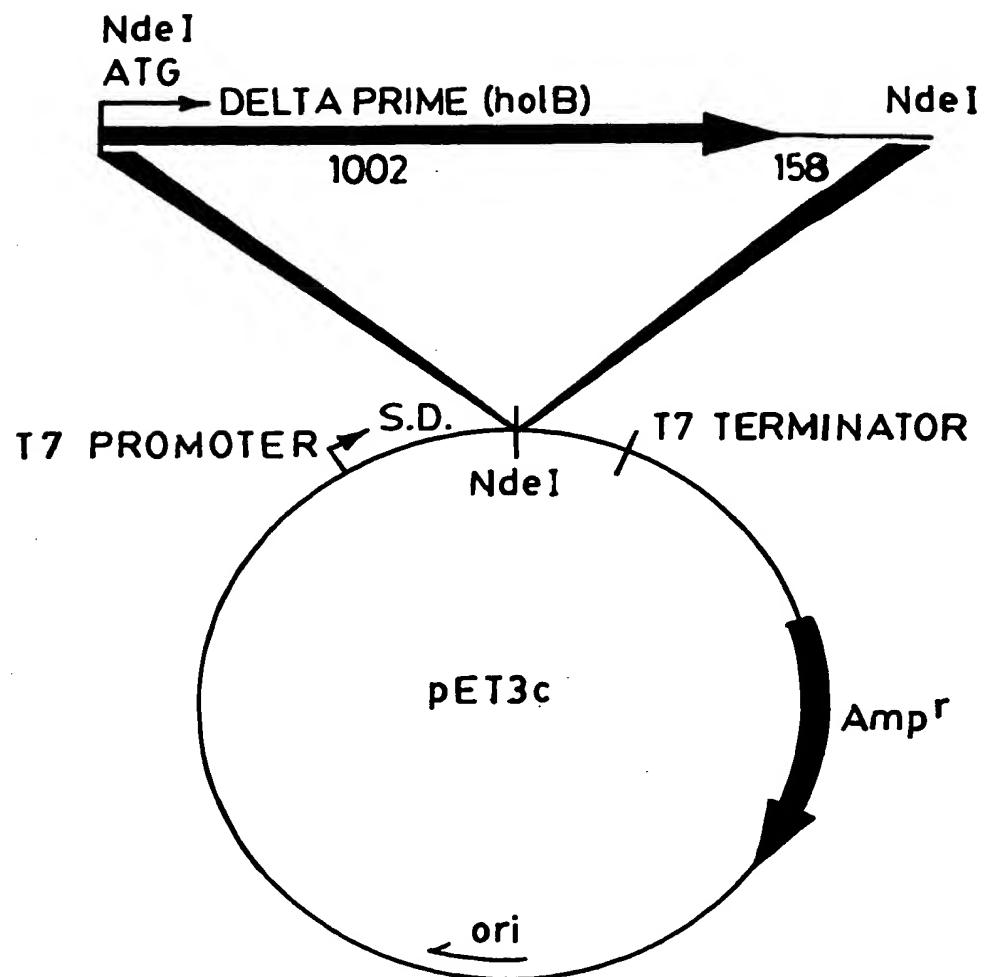


FIG. 2

3/13

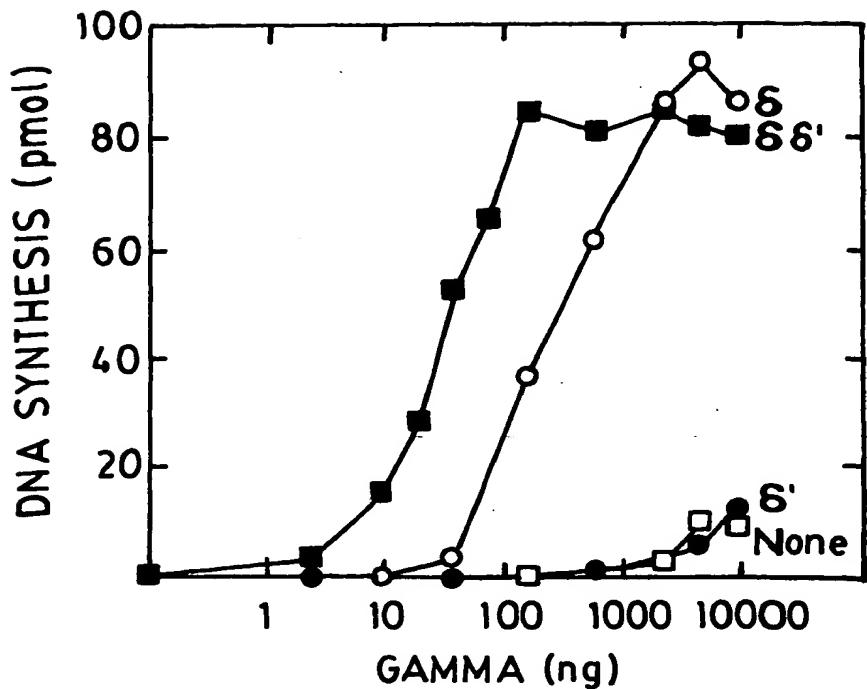


FIG. 3A

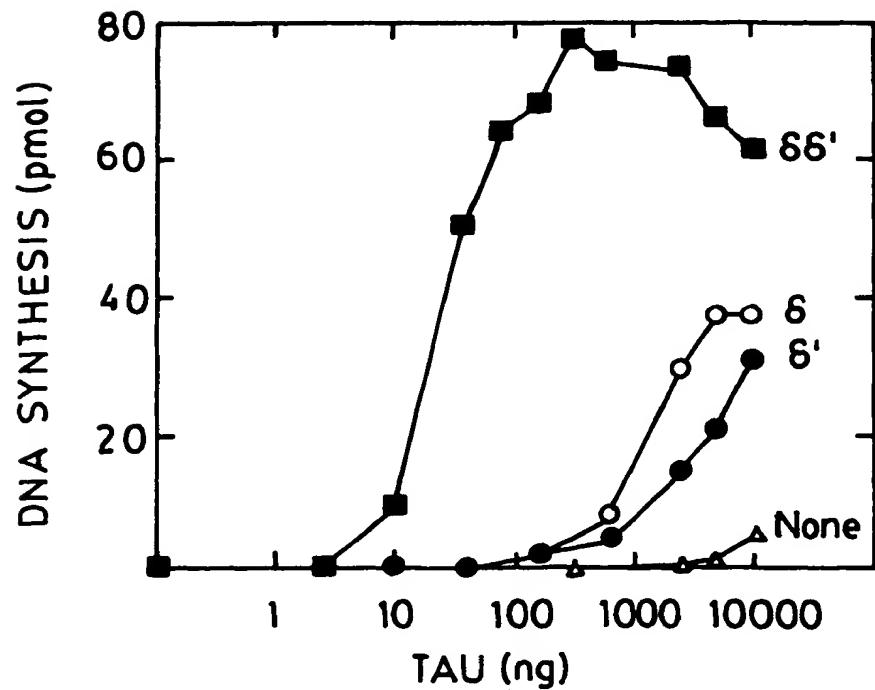


FIG. 3B

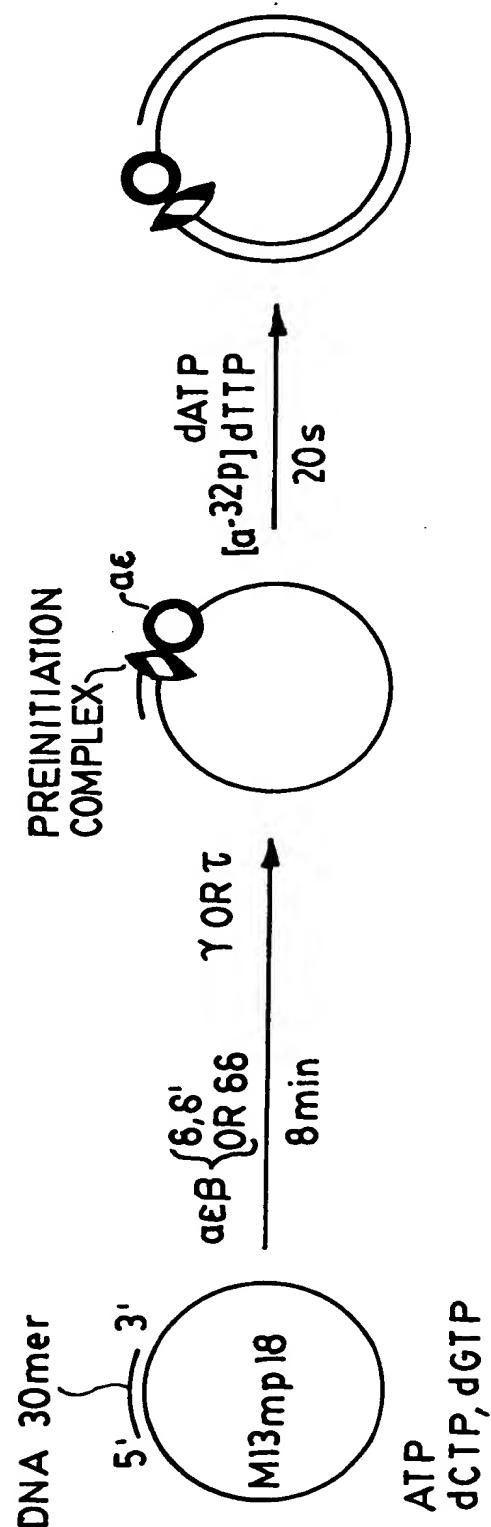


FIG. 3C

5/13

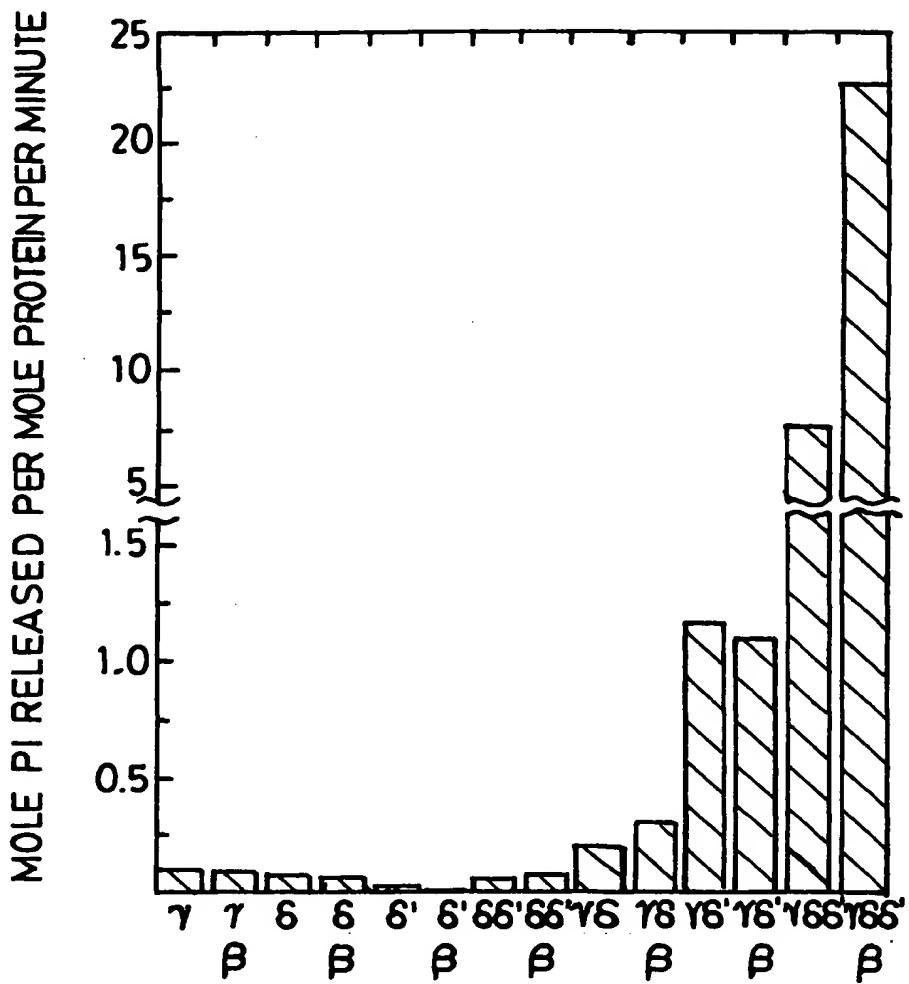


FIG. 4A

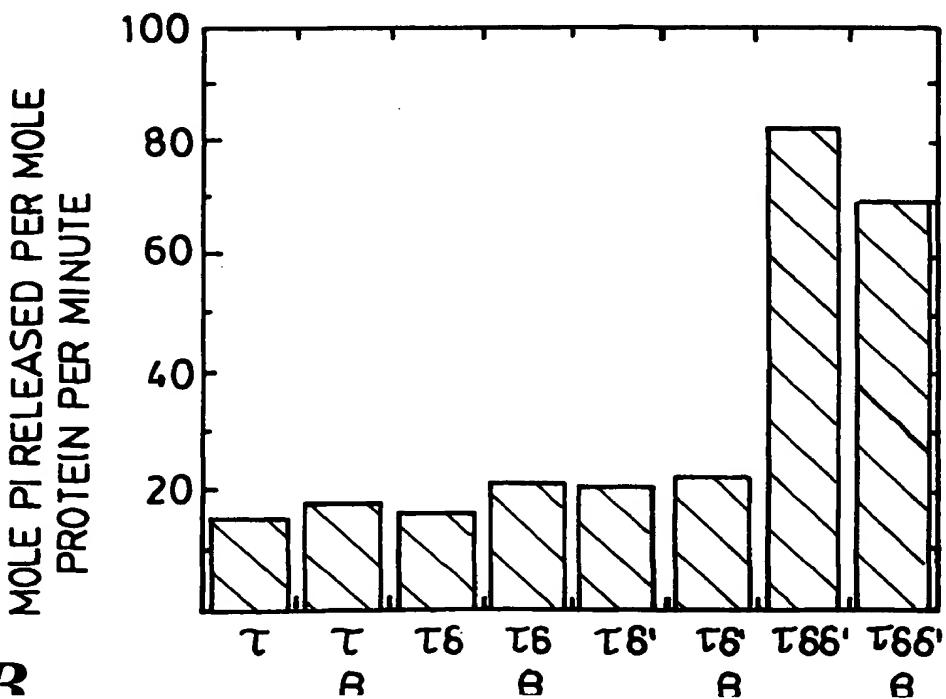


FIG. 4B

6/13

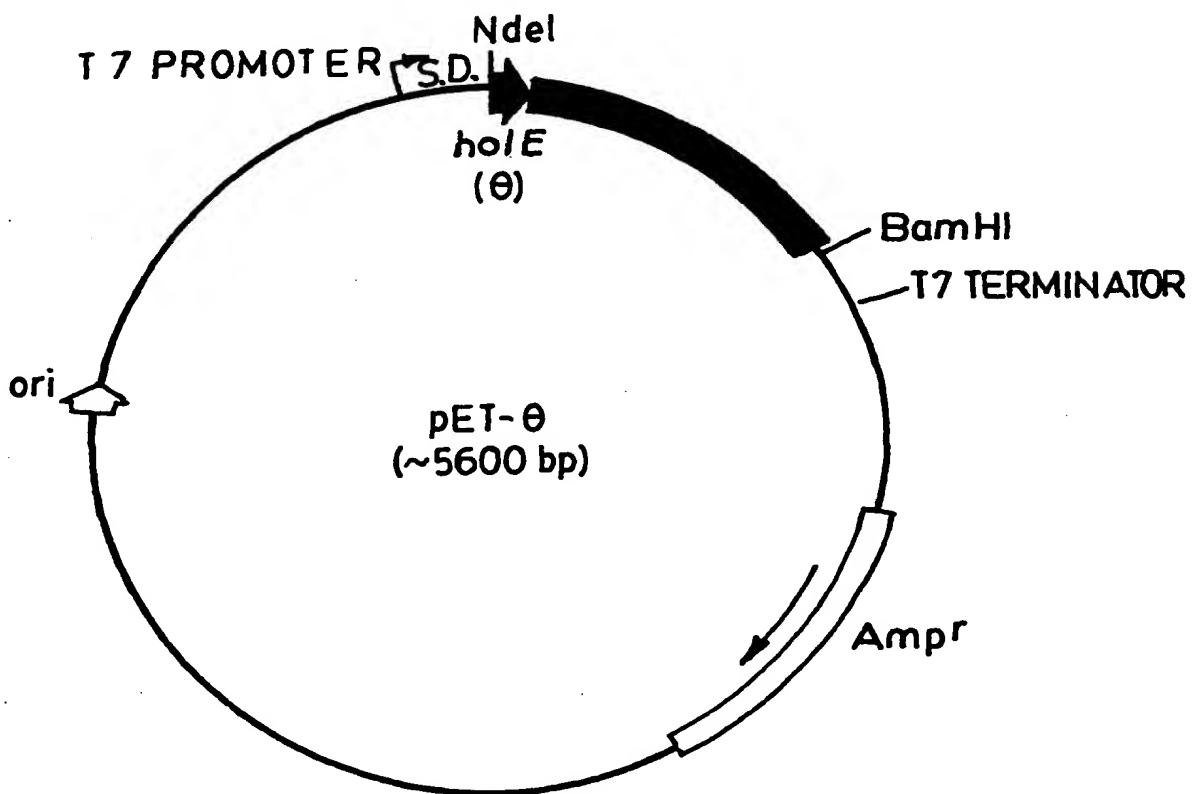


FIG. 5

7/13

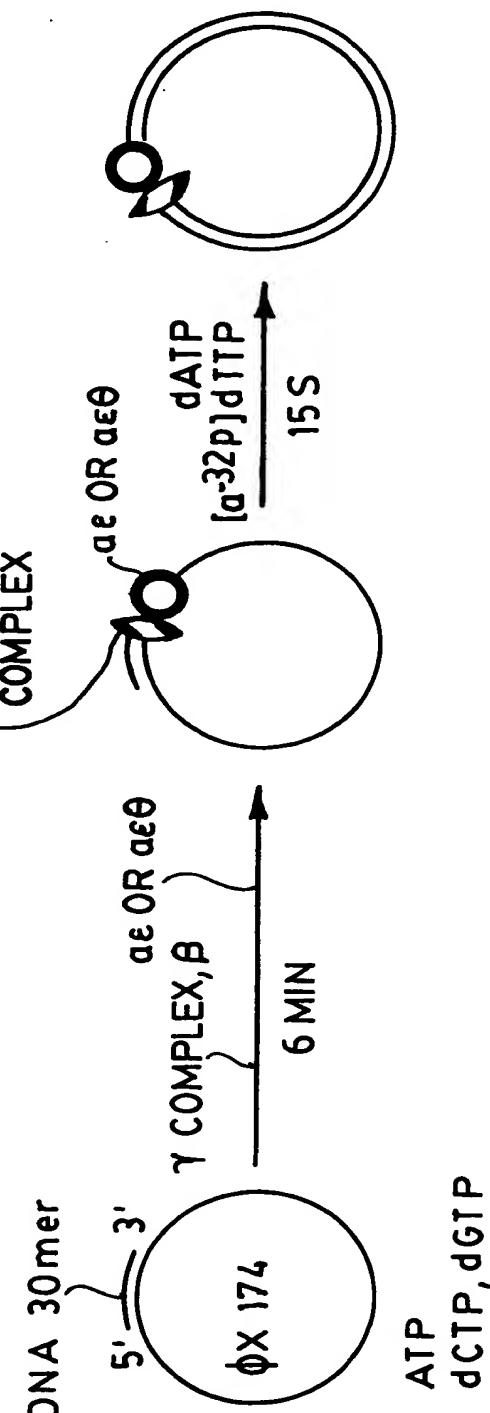


FIG. 6A

8/13

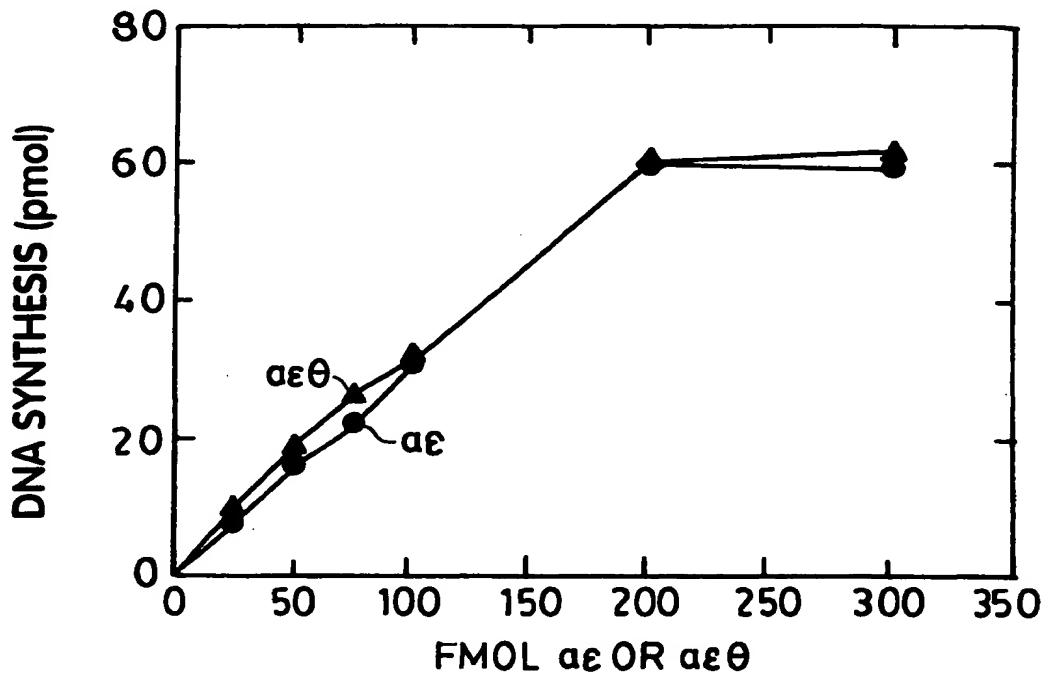


FIG. 6B

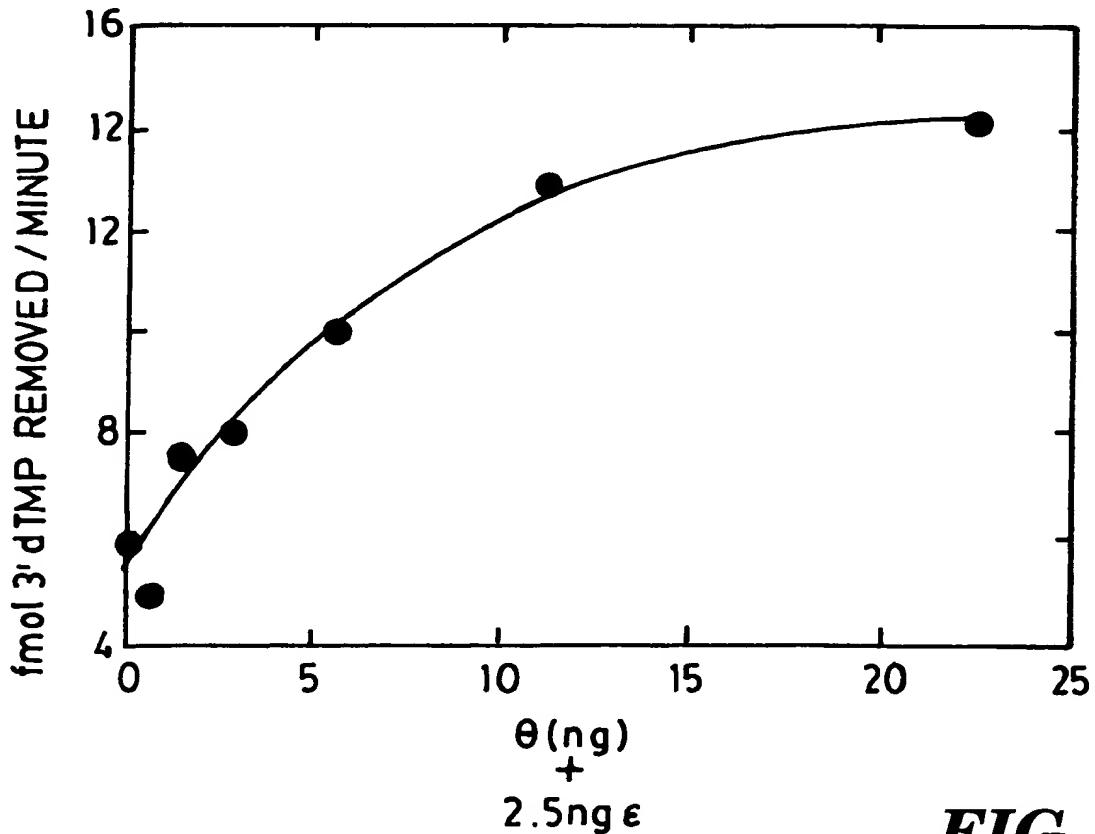


FIG. 7

9/13

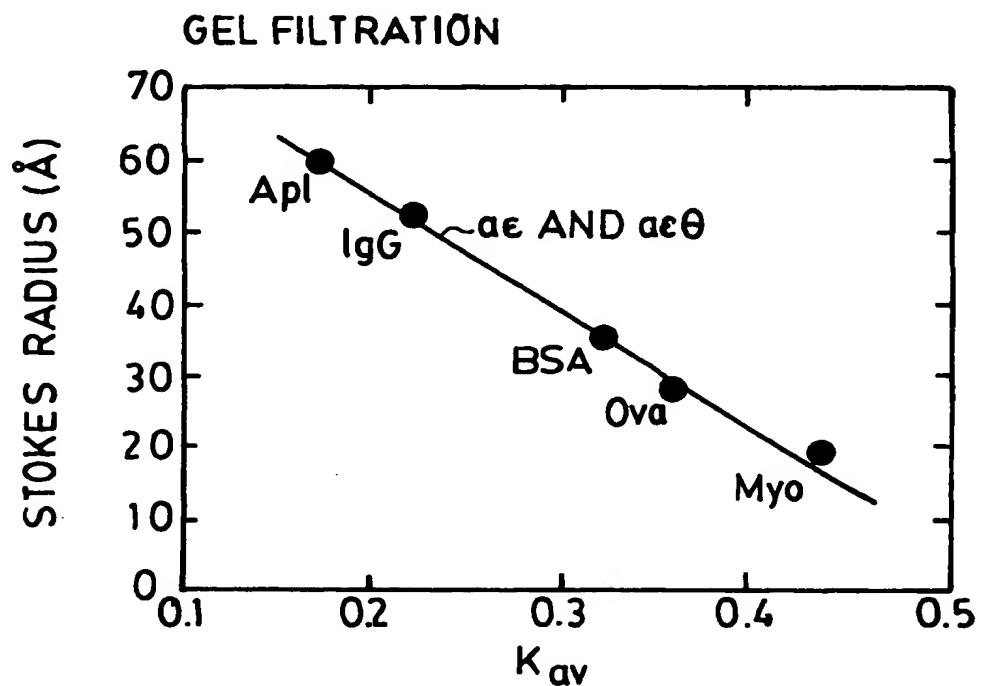


FIG. 8A

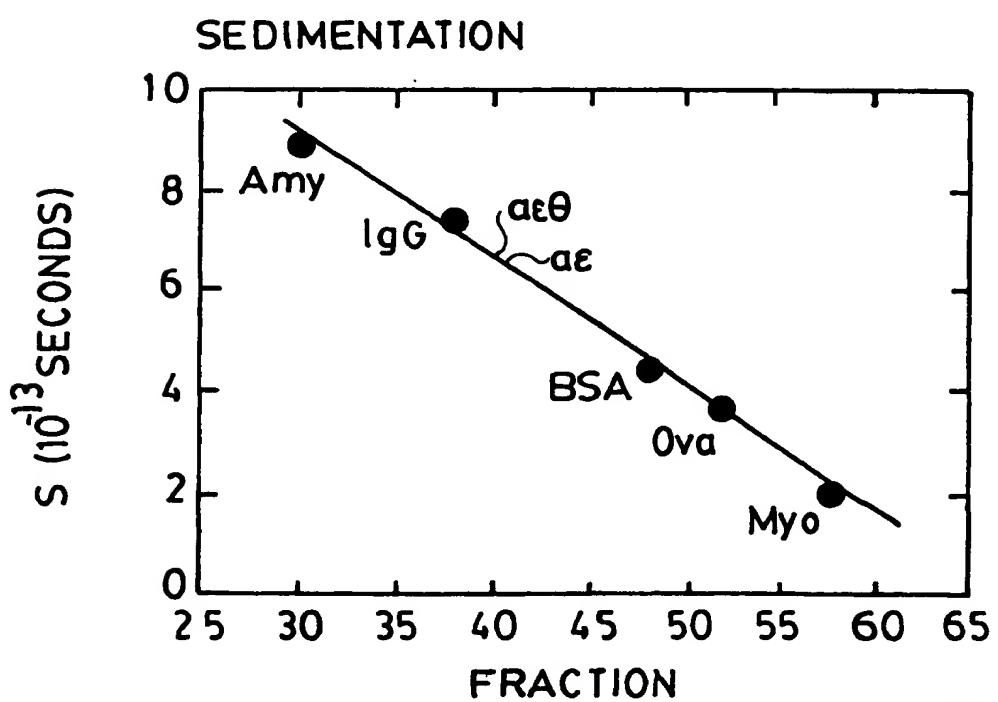


FIG. 8B

10/13

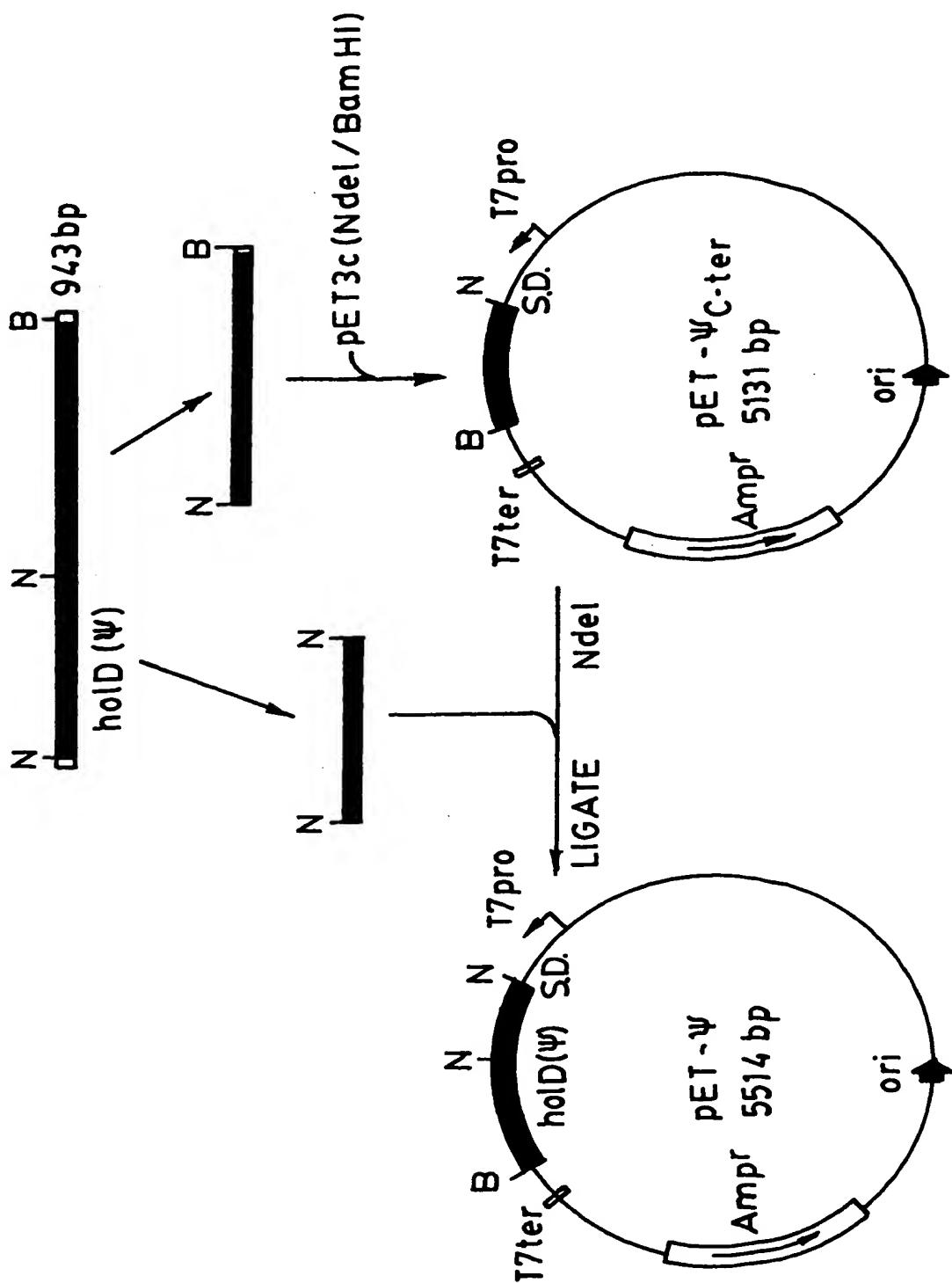


FIG. 9

11/13

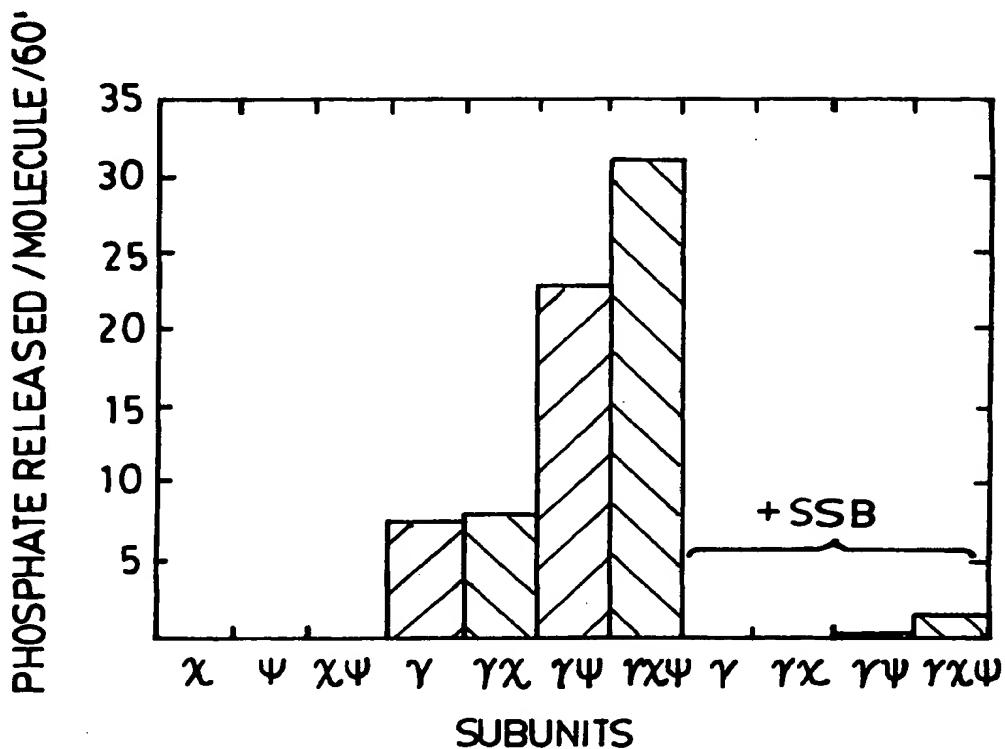


FIG. 10A

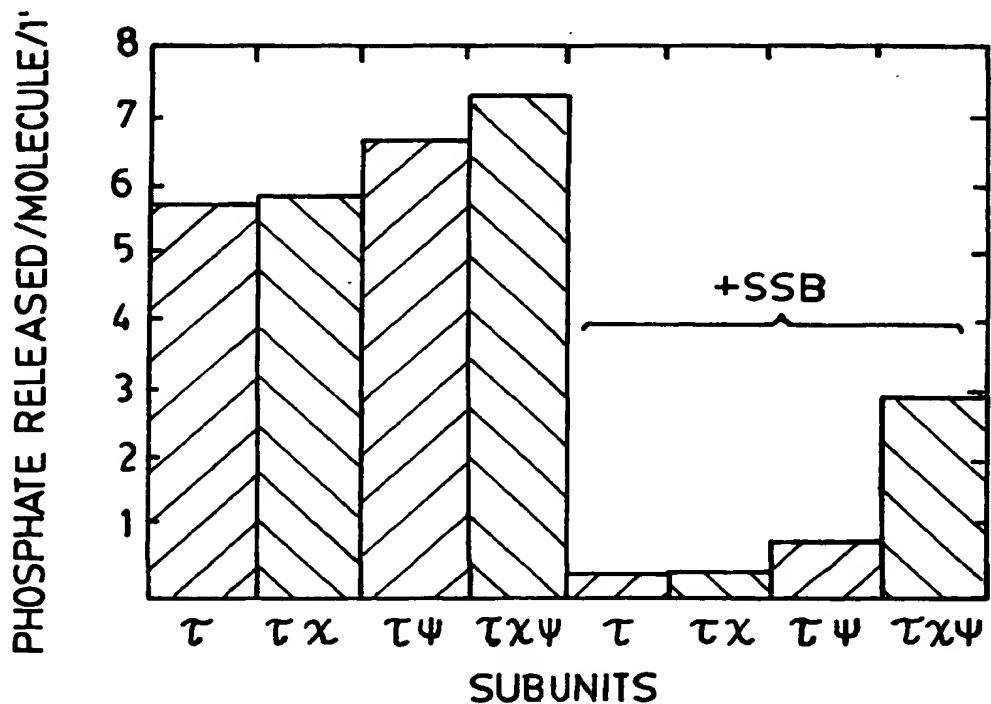


FIG. 10B

12/13

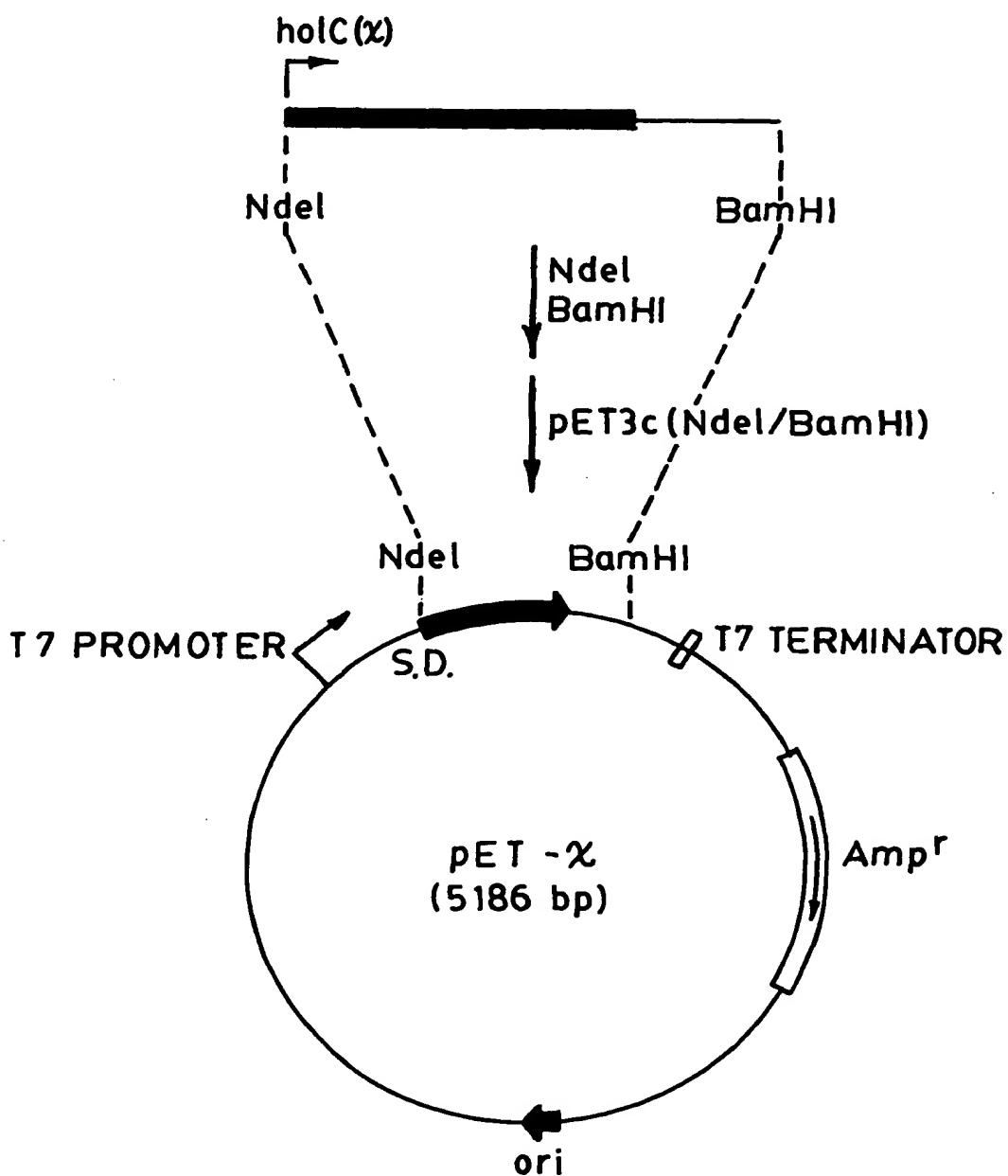


FIG. 11

13/13

GEL FILTRATION

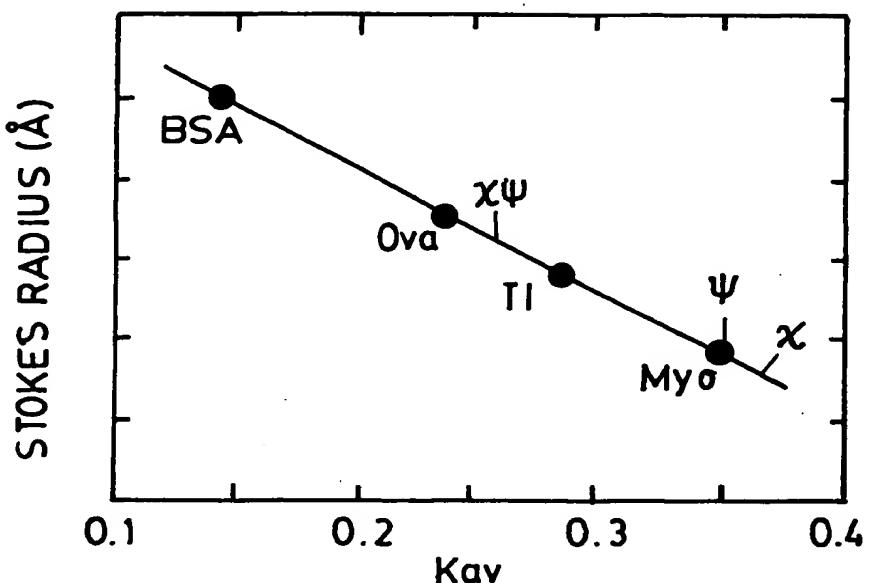


FIG. 12A

SEDIMENTATION

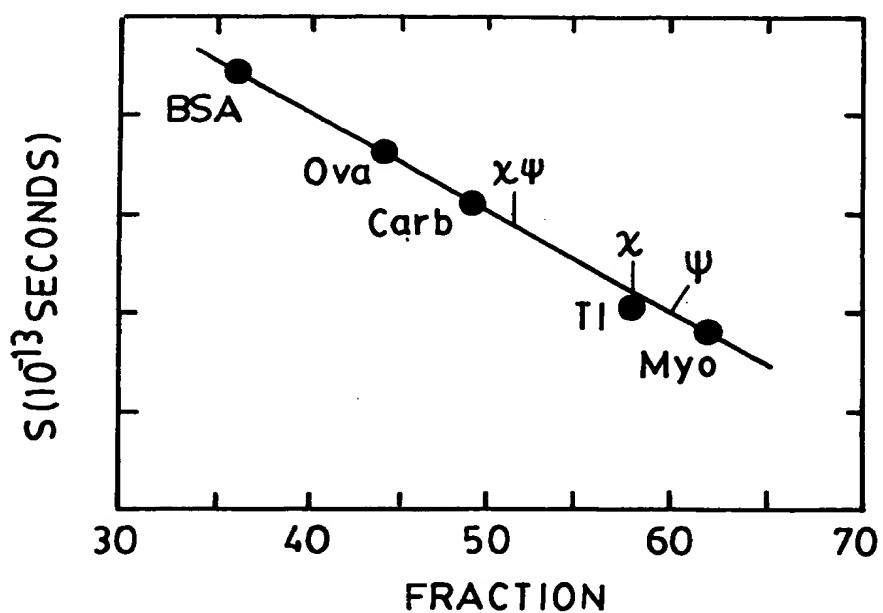
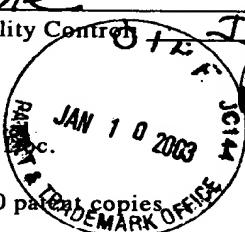


FIG. 12B

UTILITY/DESIGN PATENT (1 misc) Date: 1/7/03
Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon
via Certificate of Mail:
Case # 19603/10215 S/N: 08/828,323 Filed: 3/28/97
Pat. # _____ Issued: _____
Examiner: R. G. Hutson Art Unit: _____
Batch: _____ Atty: MLG
Applicant: Michael E. O'Donnell
For: DNA Polymerase III Holoenzyme
VERIFIED BY: Asst: _____ Quality Control O+L JB
 Appeal Brief in _____ pgs. in Triplicate
 \$ _____ Check for Appeal
 \$ _____ Check for Oral Hearing
 13 pgs. Formal Drawings w/Submission Spec.
 Issue Fee PTOL-85b in duplicate
 \$ _____ Check for Issue Fee & 10 patent copies
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19603/10215

FILE
DKT JB

Bowers, Janice

19603/10215

From: Lyon, Darlene [Darlene.Lyon@USPTO.GOV]
Sent: Friday, June 13, 2003 4:59 PM
To: Bowers, Janice; Lyon, Darlene
Subject: RE: Status of 08/828,323

This file was abandoned for failure to perfect the drawings. It was abandoned on 2/13/03. You must Petition to revive and pay the petition fee and the issue. Petition Branch phone number is 703-305-9282.

Thank you,
PUBS Customer Service

Darlene A. Lyon
(703) 305-8495

-----Original Message-----

From: JBowers@nixonpeabody.com [mailto:JBowers@nixonpeabody.com]
Sent: Thursday, June 12, 2003 3:10 PM
To: Darlene.Lyon@uspto.gov
Subject: RE: Status of 08/828,323

Michael L. Goldman, Registration No. 30,727.

Jan Bowers
Paralegal
(585) 263-1211

-----Original Message-----

From: Darlene.Lyon@USPTO.GOV [mailto:Darlene.Lyon@USPTO.GOV]
Sent: Thursday, June 12, 2003 2:50 PM
To: Bowers, Janice; PUBscustomerservice@USPTO.GOV
Subject: RE: Status of 08/828,323

Please give me your Attorney registration number.

Thank you,
PUBS Customer Service

Darlene A. Lyon
(703) 305-8495

-----Original Message-----

From: JBowers@nixonpeabody.com [mailto:JBowers@nixonpeabody.com]
Sent: Thursday, June 12, 2003 2:15 PM
To: Pubscustomerservice@uspto.gov
Subject: Status of 08/828,323

U.S. Serial No. 08/828,323, filed March 28, 1997
Notice of Allowance mailed 10/7/2002
Issue Fee w/ corrected corrected formal drawings mailed 1/7/03 (return
receipt postcard OIPE stamped 1/10/03 and received 1/13/03)

We haven't received the issue notification for the above-identified case. Is there a date scheduled? Thank you.

Janice Bowers
Paralegal
Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1211
Fax: (585) 263-1600
E-mail: jbowers@nixonpeabody.com



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FACSIMILE TRANSMISSION

To: Georgia Evans Fax: 585 263-1600

From: E. Shirene Willis Date: 7/16/03

Re: Notice of Abandonment in 08/828,323 Pages: 2

CC:

Urgent For Review Please Comment Please Reply Please Recycle

If you have not received all pages or you have any questions about this transmission, please contact the OFFICE OF PETITIONS AS FOLLOWS:

DIRECT TELEPHONE No.: 703-308-6712 FACSIMILE No.: 703-308-6916

NOTES: PURSUANT TO OUR TELEPHONE CONVERSATION OF 7/15/03, HERE IS THE NOTICE OF ABANDONMENT, MAILED FEBRUARY 13, 2003.

CONFIDENTIAL INFORMATION
CONTAINS neither recommendations nor conclusions of the
United States Patent and Trademark Office. It is the property
of the Office, is loaned to your agency, and is to be
returned to the Office upon request.



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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/828,323	03/28/1997	MICHAEL E. O'DONNELL	19603/10213	4760

7590 02/13/2003

MICHAEL L GOLDMAN
NIXON PEABODY LLP
CLINTON SQUARE
P O BOX 1051
ROCHESTER, NY 14603

EXAMINER

HUTSON, RICHARD G

ART UNIT	PAPER NUMBER
1652	P#38

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/828,823			

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

PA38

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of ____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- The proposed new formal drawings filed _____ are not acceptable.
- No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-6380

Case History For Docket Number: 19603/10215 Country: USA

Report Run Date: 23JUL2003

Application Number: 08/828,323

Application Date: 28MR1997

Patent Number:

Grant Date:

Client/Division: CORNELL MEDICAL COLLEGE

Attorney: MLG

Current Owner: CORNELL RESEARCH FOUNDATION

Inventors: MICHAEL O'DONNELL

Title: DNA POLYMERASE III HOLOENZYME

Action: IDS NOT APPLICABLE	Completed Date:	Taken Date:	Due Date:
Action: ISSUE NOTIFICATION OF PATENT	Completed Date:	Taken Date:	Due Date: 07AP2003
Action: LARGE ENTITY STATUS	Completed Date:	Taken Date:	Due Date:
Action: CONTINUING PROSECUTION FILED	Completed Date: 20SE2000	Taken Date:	Due Date:
Action: POSTCARD REMINDER	Completed Date: 26SE2000	Taken Date:	Due Date: 20OC2000
Action: PRELIMINARY AMENDMENT FILED	Completed Date: 15NO2000	Taken Date:	Due Date:
Action: NOTICE FROM PTO	Completed Date: 18JA2001	Taken Date:	Due Date:
Action: OFFICE ACTION FROM PTO	Completed Date: 08FE2001	Taken Date:	Due Date:
Action: 3 MONTH EXT. OF TIME	Completed Date: 08AU2001	Taken Date:	Due Date:
Action: AMENDMENT DUE	Completed Date: 08AU2001	Taken Date:	Due Date: 08MY2001
Action: SUPPLEMENTAL AMENDMENT TO PTO	Completed Date: 02NO2001	Taken Date:	Due Date:
Action: NOTICE FROM PTO	Completed Date: 31DE2001	Taken Date:	Due Date:
Action: NOTICE OF ALLOWANCE FROM PTO	Completed Date: 31DE2001	Taken Date:	Due Date:
Action: FORMAL DRAWINGS DUE	Completed Date: 28MR2002	Taken Date:	Due Date: 31MR2002
Action: ISSUE FEE DUE	Completed Date: 28MR2002	Taken Date:	Due Date: 31MR2002
Action: PETITION TO PTO	Completed Date: 25JE2002	Taken Date:	Due Date:
Action: INFORMATION DISCLOSURE STATEMENT	Completed Date: 25JE2002	Taken Date:	Due Date:
Action: ISSUE NOTIFICATION OF PATENT	Completed Date: 25JE2002	Taken Date:	Due Date: 28JE2002
Action: WITHDRAWN FROM ISSUE	Completed Date: 25JE2002	Taken Date:	Due Date:
Action: REQUEST FOR CONT. EXAM FILED	Completed Date: 25JE2002	Taken Date:	Due Date:
Action: PETITION GRANTED	Completed Date: 26JE2002	Taken Date:	Due Date:
Action: SUPPLEMENTAL DISCLOSURE	Completed Date: 18JL2002	Taken Date:	Due Date:
Action: NOTICE OF ALLOWANCE FROM PTO	Completed Date: 07OC2002	Taken Date:	Due Date:
Action: ISSUE FEE DUE	Completed Date: 07JA2003	Taken Date:	Due Date: 07JA2003
Action: FORMAL DRAWINGS DUE	Completed Date: 07JA2003	Taken Date:	Due Date: 07JA2003

19603/10215

(CRF D-11500)

*Continuation PA of 19603/10214

CLIENT OR TITLE

DEMISSION OF CPA of 08/228,323 filed 3/28/97
19603/10214 (19603/10214) which is a
CONTINUATION-IN-CHIEF OF 08/279,058, filed 7/21/94

INVENTOR

SERIAL NO.
(CRF D-11500)

19603/10215

INVENTOR Michael E. O'Donnell

APLIC NO. 08/828,323

FILED MAR 28, 1997

NAME DNA Polymerase III Holoenzyme

SIGNEE Cornell

ASSIGNMENT RECORDED 7/21/1995 REEL 7560 FRAME 0937

OFFICE ACTIONS	AMENDMENTS
18/2001 AMENDMENT DUE 1 MAY 8, 2001	CPA PA to PTO-EM-9/20/2000.
1/31/02 ISSUE FEE/Formal Drawings due MARCH 31, 2002	Prelim. Amend. to PTO-FCM- 11/15/2001.
	Amend. w/ 3-MO SXT to PTO- FCM - 8/18/2001.
	Suppl. Amendment to PTO-via FAX- 11/21/2001.
	ISSUE FEE WITHDRAWAL DRAWINGS TO PTO-FCM - 3/28/02
	PTN to WITHDRAW APPN FROM ISSUED, TO PTO-via FAX - 6/25/02
RCG 02/26/02 PETITION GRANTED	REQT. For Cont. Exam., IDS to PTO-via FAX - 6/25/02. SUPPL. IDS TO PTO-via Hand Delivery 7/18/02.
07/1/02 ISSUE FEE/Formal Drawings JANUARY 7, 2003	ISSUE FEE/Formal drawings TO PTO-FCM - 1/7/2003

*Large Entity

ALLOWED

FINAL FEE PAID

PATENT NO.

DATE

ENTERED
Nixon Peabody LLP

SEP 21 2000

FIL 19603/10215

DR

df

Nixysman
100-10th Avenue Long Island City, NY 11101 (718) 433-3800 (800) 221-3218
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MLG/GCE